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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Human Rights Now, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[31 August 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Japan's Military Sexual Slavery

1. Ongoing violations of victims' human rights

Survivors of Japan's military sexual slavery continue to suffer grave distress not only from the decades-long denial of their rights to justice and reparation, but also from increasing denials of the facts and to their dignity by some high-ranking public figures, politicians and the mainstream media in Japan. The government, moreover, has condoned such attempts, re-victimizing survivors.

Ignoring the recommendations reiterated by UN human rights bodies, including this Council,[1] the government has failed to take any legislative or administrative measures to provide justice and reparation to victims, or to raise awareness of the general public, particularly youth through correct history education, leaving them seriously deceived by propaganda denying the heinous crime.

2. Denial of historical facts

It is internationally recognized that the entire system of sexual slavery was planned, designed and operated by the Imperial Military of Japan. However, the government of Japan and the ruling Liberal Democratic Party (LDP), particularly under second Abe administration since December 2012, have redoubled their efforts to evade their obligations by narrowing down the debate to the manner of recruiting victims. Prime Minister Abe himself has repeatedly stated that no evidence has been found which directly suggests forcible recruitment by the army or authority.

In addition, following the Japanese mainstream newspaper Asashi Shinbun's retraction of its articles on the issue based on the testimony of a former Japanese soldier, Seiji Yoshida, in August 2014, right-wing critics and the media launched on an aggressive campaign accusing Asahi's present and former writers of distorting global perception on the "comfort women" issue. The media focused on minor flaws in Yoshida's testimony; however, these were not substantial enough to discredit all the evidence on the issue or to deny the existence of Japan's military sexual slavery system. Many politicians, including some members of the LDP, encouraged or condoned the campaign.

Moreover, last October Prime Minister Abe stated, "Now unjust slander is being circulated in the world portraying Japan as a nation that forced them into sex slaves."[2] He complained that many people had been hurt and frustrated by Asahi's wrong reports, which tremendously jeopardized Japan's reputation in the international community. Around the same time, the government of Japan requested Ms. Radhika Coomaraswamy, former UN Special Rapporteur on violence against women from 1994-2003, to "correct" part of her 1996 report related to the issue. The request, however, was immediately rejected.[3]

More recently, a special committee within the LDP tasked with "restoring Japan's honor and trust" issued a report stating that Japan should "object to erroneous recognition of the facts" concerning the "comfort women" issue, which have "significantly tarnished Japan's honor and trust."[4] The report complained that some governments wrongly referred to "comfort women" as "sex slaves", which "presented a one-sided argument not backed by the objective facts." In addition to relevant Asahi articles, the report also criticized a response made by then Chief Cabinet Secretary Yohei

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[1] For the latest recommendations of this kind, see Human Rights Committee's concluding observations on the sixth periodic report of Japan (UN Doc. CCPR/C/JPN/CO/6 of 24/July/2014, para.14). See also its previous recommendations (CCPR/C/JPN/CO/5, para. 22). Many other UN human rights bodies that made recommendations pertinent to this issue include the Committee on the Elimination of Discrimination against Women (UN Doc.CEDAW/C/JPN/CO/6, para. 38), and the Committee on Economic, Social and Cultural Rights (UN Doc.E/C.12/JPN/CO/3, para. 26).

[2] Oct 3, 2014, Budget Committee, House of Representatives.

[3] http://www.japantimes.co.jp/news/2014/10/16/national/history/government-requests-revision-of-1996-u-n-sex-slave-report/#.VeF1B-l5ifQ

[4] http://www.japantimes.co.jp/news/2015/07/29/national/politics-diplomacy/ldp-panel-demands-counterarguments-false-allegations-comfort-women-issue/#.VeF37ul5ifQ

Kono at a 1993 press conference—in which he asserted a factual basis for the Japanese military forcibly recruiting women to "comfort stations" or military brothels—for internationally spreading a false impression.[5]

As the Human Rights Committee rightly argues,[6] whether victims were "forcibly deported" by Japanese military during wartime or "recruited, transported and managed in comfort stations" by entities on behalf of the military, any such acts carried out against victims' will are sufficient to establish human rights violations involving the direct legal responsibility of Japan. So-called "false reporting" is not tarnishing Japan's reputation, but a continued failure to acknowledge full responsibility for the military sexual slavery system and attempts to re-write history is. .

3. Distortion of history education

The government of Japan has failed to follow the recommendations of UN human rights treaty bodies urging it to educate students and the general public about Japan's military sexual slavery with adequate descriptions in history textbooks.[7]

Instead, the government has taken steps to prevent youth from learning the factual history through its authorization system of textbooks to be used in public schools. The system amounts to censorship practiced by the Ministry of Education to effectively exclude "unfavorable descriptions" from history textbooks. The number of junior high school textbooks including some reference to the "comfort women" issue started decreasing from 2002, and such textbooks had completely disappeared by 2012.

In a similar way, a number of history museums managed by local governments erased critical descriptions of "comfort women" from their exhibits.[8] There was also a case where a municipality refused to let liberal citizens' groups use its facilities for an exhibition on the "comfort women" issue, claiming that it would have led students to form a one-sided opinion on the issue.[9] In contrast, many local municipalities throughout Japan have allowed right-wing groups to use public halls for their one-sided "Comfort Women exhibitions" justifying the sexual violence committed by the Japanese military and insulting the victims and survivors as prostitutes.[10]

4. Denial of Japan's military sexual slavery outside Japan

Instead of taking measures to memorialize the issue outside Japan, the government of Japan has tried to change the views of other governments and international society critical of Japan's policy on the issue.

In December 2014, the Ministry of Foreign Affairs requested McGraw-Hill Education, one of the major publishing companies in the U.S., to 'modify' some articles about the issue in their history textbooks. In rejecting the request, McGraw-Hill explained that the descriptions in question are based on historical facts. Prime Minister Abe himself criticized the McGraw-Hill textbook, stating that it inaccurately depicted Japan's actions relating to the issue.[11] He pledged to increase efforts to fight what he called mistaken views abroad concerning Japan's wartime actions. The LDP's July 28, 2015 report also demanded the correction of "false" descriptions on "comfort women".

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[5] Chief Cabinet Secretary Yohei Kono released the so-called "Kono Statement" in 1993 admitting that "[t]he recruitment of the 'comfort women' was conducted mainly by private recruiters who acted in response to the request of the military. The government study has revealed that in many cases they were recruited against their will, through coercion, etc., and that, at times, administrative / military personnel directly took part in the recruitment."

[6] UN Doc. CCPR/C/JPN/CO/6 of 24/July/2014, para.14

[7] *Op cit* 1.

[8] For example, Peace Museum of Saitama deleted a sentence about the "comfort women" issue in its chronology of Showa period in October 2013.

[9] http://www.japantimes.co.jp/news/2015/03/25/national/saitama-city-blocks-one-sided-exhibit-on-comfort-women/

[10] For example, between July and November 2014, at least 5 cities (Takatsuki-city, Ikoma-city, Sakai-city, Higashi-Osaka-city, and Nishinomiya-city) have allowed right-wing groups to use their public halls.

[11] http://www.nytimes.com/2015/01/30/world/asia/japans-premier-disputes-us-textbooks-portrayal-of-comfort-women.html?_r=0

In February 2015, in response to questions regarding the status of lawsuits filed by three Japanese plaintiffs living in Glendale, CA, USA, against the city, demanding the removal of a "comfort women" statue installed in a city park of Glendale, Chief Cabinet Secretary Suga said that "the erection of the statute is not reconcilable with the position and initiatives of our government."[12] The LDP's July 28, 2015 report also stressed the need for lobbying against the movement outside Japan to install statutes, memorials, or billboards, and to adopt resolutions, regarding "comfort women".

5. Recommendations

Endorsing the recommendations of UN human rights bodies and mechanisms, Human Rights Now would like to suggest this Council renew its recommendations to the Japanese government as follows:
(a) Officially acknowledge legal responsibility for the crime of planning and operating the sexual slavery system as committed by the Imperial Military of Japan, including the forcible nature of the system;
(b) Apologize unreservedly to the victims and survivors to restore their dignity;
(c) Prosecute and punish perpetrators who are still alive with appropriate penalties;
(d) Refrain from any attempt to deny the facts or negate responsibility;
(e) Refute and sanction any attempts to deny the facts or to defame and re-traumatize the victims through repeated denials;
(f) Take immediate and effective measures, both legislative and administrative, and provide all survivors with appropriate remedies;
(g) Disclose all relevant documents, information, and other materials in the government's possession;
(h) Acknowledge survivors' oral testimony as solid evidence; and
(i) Educate students and the general public about this issue by citing the factual events in all history textbooks and other educational materials, and at public facilities and memorials.

Human Rights Now also suggests that a new mechanism be established to enable the Human Rights Council to effectively prevent UN member states, particularly the members of this Council, from: concealing or denying the facts relating to grave human rights violations, justifying atrocities, neglecting to provide remedies to victims, and re-traumatizing

[12] http://www.japantimes.co.jp/news/2015/02/26/national/politics-diplomacy/korean-american-activist-raps-sugas-response-to-failed-lawsuit-against-comfort-woman-statue/#.VeF4WeI5ifQ